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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 MATTHEW TRAVIS HOUSTON,
5
6 v. Plaintiff,
7
8 ENCORE EVENT TECHNOLOGIES,
9 *et al.*,
10 Defendants.

Case No. 2:22-cv-02168-ART-EJY
ORDER DENYING MOTIONS FOR
NEW TRIAL AND MOTION TO
VACATE DISMISSAL

11 This case was dismissed with prejudice and closed in April 2024. Plaintiff
12 Matthew Houston then brought three motions: two requesting a new trial (ECF
13 Nos. 63, 64) and one requesting that the Court vacate dismissal (ECF No. 66).

14 Houston has previously been declared a vexatious litigant because of the
15 numerous identical complaints he has filed in Nevada courts. *Houston v. Encore*
16 *Event Technologies*, Case No. 2:22-cv-01740-JAD-EJY, 2023 WL 7042573, at *4
17 (D. Nev. 2023). The Court dismissed this case for failure to comply with Rule 8,
18 explaining that much of the complaint was indecipherable and the Court was
19 unable to identify a cause of action. (ECF No. 56.) Houston's motions for a new
20 trial and motion to vacate dismissal are similarly indecipherable and the Court
21 is unable to find an argument explaining why this case should be reopened.

22 A Court may, on motion, grant a new trial after a jury trial or nonjury trial
23 for various reasons. Fed. R. Civ. P. 59. However, a Court cannot grant a motion
24 for a new trial when there has been no trial. Because this case never went to
25 trial, Houston's motions for a new trial are denied.

26 A Court may relieve a party from a final judgment or order for the following
27 limited reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2)
28 newly discovered evidence that, with reasonable diligence, could not have been
discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether

1 previously called intrinsic or extrinsic), misrepresentation, or misconduct by an
2 opposing party; (4) the judgment is void; (5) the judgment has been satisfied,
3 released, or discharged; it is based on an earlier judgment that has been reversed
4 or vacated; or applying it prospectively is no longer equitable; or (6) any other
5 reason that justifies relief. Fed. R. Civ. P. 60(b). The Court has reviewed
6 Houston's initial petition and its dismissal order and finds that it did not err in
7 dismissing this case.

8 The Court therefore orders that Houston's motions (ECF No. 63, 64, 66)
9 are denied.

10 This action remains closed.

11 The Clerk of Court is directed to designate Matthew Travis Houston as a
12 restricted filer in this matter and the Clerk will return unfiled any further papers
13 submitted by Houston in this matter other than a notice of appeal from this
14 order.

15 It is further ordered that, to the extent required, a certificate of
16 appealability is denied, as jurists of reason would not find the district court's
17 disposition of Houston's motions to be debatable or incorrect.

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19 DATED: January 9, 2025

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22 _____
23 ANNE R. TRAUM
24 UNITED STATES DISTRICT JUDGE
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